from New York City to join the firm. The business continued to expand; and in the 1930s Louis's sons, John and Carl, went to work for the thriving pasta company.

Built on strong ties to family and community, the Fort Worth Macaroni Company became one of the leading regional pasta manufacturers and is the only company of its kind still existing in the South and Southwest.

The fourth generation of the Laneri family, Louis II and Carlo, continues the pasta operation on the south side of town. Working at the company from their teens, both returned to the family enterprise after graduating from college (Texas Wesleyan University and Stephen F. Austin University, respectively).

Louis Laneri, representing O.B. Macaroni, is a member of the Board of Directors of the National Pasta Association and a member of the DFW Grocers Association, the Food Salesman's Association, and the Food Processors Association.

Carrying on a tradition of giving back to the community, the family donates regularly to the Tarrant County Food Bank, the Women's Haven of Tarrant County, and various Fort Worth social and religious causes and programs, including education in the Roman Catholic Diocese of Fort Worth.

Once again, Mr. Speaker, I want to congratulate and thank the Laneri family and the O.B. Macaroni Company for 100 years of success. Fort Worth is a better place thanks to their family unity, hard work, and charity over the past century.

ENDING MILITARY USE OF VIEQUES AND RETURNING IT TO THE PEOPLE OF PUERTO RICO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise to commend the hard work of the Special Commission on the Situation of Vieques, which recently delivered its final report to the Governor of the Commonwealth of Puerto Rico. I would especially like to recognize the Honorable Anibal Acevedo Vila, who very ably served on this commission representing the Popular Democratic Party, for this tireless efforts on behalf of the people of Vieques as well as the general population of Puerto Rico.

The conclusion reached by the Special Commission is that the U.S. Navy must cease its activities on the island of Vieques and return the occupied territory to the people of Vieques as soon as possible. I am pleased to note that the Governor of Puerto Rico agreed with the report's findings and recommendations and adopted them as Administration policy.

I have reviewed the report and was very impressed by the Commission's extensive research and findings. I have the report available for Members of Congress and urge all to call me for copies, and if not for the page limit, I would publish it at this point in the CONGRESSIONAL RECORD.

Again, my congratulations to the Special Commission on the Situation of Vieques for their fine work in investigating U.S. Naval operations on the island.

CITIZENS MEMORIAL HEALTH CARE FACILITY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. BLUNT. Mr. Speaker, I rise today to publicly congratulate the board of directors, administrative staff and employees of the Citizens Memorial Health Care Facility in Bolivar, Missouri for their outstanding vision, dedication and effort in attaining Merit Status in OSHA's Voluntary Protection Program. The 111 bed licensed skilled nursing facility located in Missouri's Seventh Congressional District joins over 400 other businesses in our nation in participation in this program. However this recognition is unique because this is the first skilled nursing care facility in the Nation to achieve this high level of safety compliance.

The designation was granted after an intensive 15 month-self study by employees at all levels followed by a rigorous five day comprehensive review visit by OSHA inspectors who found the facility to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by CMHCF are models within the nursing care industry, and that the facility is preparing itself for even higher levels of health and safety compliance.

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA ''This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance.''

This commitment to excellence in the care of its patients and employees is part of an overall culture of caring that is being recognized by a variety of outside agencies. For example, CMHCF is only one of seven facilities in the state that the Missouri Division of Aging has found to be deficiency free for six years or longer.

I express my appreciation, and that of all my colleagues, to Board President Dave Strader, Executive Director Don Babb, and Facility Administrator Jeff Miller for their leadership in bringing this national recognition to Bolivar Missouri and the Seventh Congressional District.

1999 EXCELLENCE IN BUSINESS AWARDS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the recipients of the fourth annual Excellence in Business Award for their high ethical standards, corporate success and growth, employee and customer service, and concern for the environment.

Award winners include many types of businesses from the Valley: agriculture; charities; finance; banking and insurance; health care; manufacturing; professional services; real estate and construction; nonprofit organizations; small businesses; retail and wholesale.

The 1999 Excellence in Business Award winners are: Joseph Gallo Farms-Agriculture, Big Brothers/Big Sisters of Fresno, Kings and Madera Counties Inc.-Charitable, Valley Small Business Development Corp.-Financial/Banking/Insurance, The Fresno Surgery Center-Healthcare, National Diversified Sales-Manufacturing, San Joaquin River Parkway and Conservation Trust-Nonprofit, Anthony C. Pings and Associates-Professional Services, Colliers Tingey Internatinal-Real Estate/Construction, Me-n-Ed's Pizzerias-Retail/Wholesale, McCombs and Associates-Small Business, and Samuel T. Reeves-Hall of Fame.

Mr. Speaker, I want to congratulate each of the 1999 Excellence in Business Award winners for their leadership and contributions to the community. I urge my colleagues to join me in wishing all of the recipients many more years of continued success.

TRIBUTE TO THE JOHNSON FAMILY ON THEIR 25TH REUNION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. PAYNE. Mr. Speaker, I rise to bring to the attention of my colleagues here in the United States House of Representatives a family rich in both history and tradition. I speak of the Johnson Family, who will gather on July 30th–August 1, 1999 to celebrate their 25th Annual Johnson Family Reunion.

The Johnson Family are descendants of the distinguished George Johnson of Lincolnton, Georgia. The theme for this year's reunion of the Johnson Family is ''A Strong Foundation . . . Bridge To The New Millennium.''

At a time when we constantly hear that family values are a thing of the past, the Johnson Family stands out as a shining example of the strong, enduring bonds of family. As we enter this new millennium, we indeed draw inspiration from the Johnson family and their commitment to each other and to the betterment of society.

Mr. Speaker, I call upon all of my colleagues to join me in congratulating the Johnson Family as generations young and old gather for this special occasion. May their 25th family reunion be a successful event full of happy memories which they will carry to the new millennium.

INTRODUCTION OF THE EDUCATING AMERICA'S GIRLS ACT OF 1999, H.R. 2505

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. KILDEE. Mr. Speaker, I am pleased to introduce The Educating America's Girls Act of 1999, or the Girls Act, along with Representatives NANCY JOHNSON, WILLIAM CLAY, CONNIE MORELLA, LYNN WOOLSEY, and many of my other colleagues today.

In 1994, I worked very closely with the American Association of University Women (AAUW) and the National Coalition for Women and Girls in Education (NCWGE) to ensure that the Elementary and Secondary Education Act (ESEA) responded to gender-related differences in educational needs in order for each student to reach his or her full educational potential. Due to the changes adopted in the 1994 ESEA reauthorization, gender equity is a major theme throughout the current ESEA including: requiring professional development activities to meet the needs of diverse students, including girls; encouraging professional development and recruitment activities to increase the numbers of women math and science teachers; having sexual harassment and abuse as a focus of the Safe and Drug-Free Schools Act; and reauthorizing the Women's Educational Equity Act (WEEA), which funds research and programs to achieve educational equity for women.

The Girls Act responds to findings in the 1998 AAUW Educational Foundation Report, Gender Gaps: Where Schools Still Fail Our Children, which identified a number of areas where the educational needs of girls are still unmet. The Girls Act seeks to prepare girls for the future by: employing technology to compensate for different learning styles and exposing technology to disadvantaged groups, including girls; reducing the incidence of sexual harassment and abuse in schools; gathering data on the participation of girls in high school athletics programs; keeping pregnant and parenting teens in school; and reauthorizing the Women's Educational Equity Act (WEEA).

Education technology, which is being increasingly integrated into the curriculum of schools, is a new arena in which we must ensure that girls are not at a disadvantage. While the gaps in math and science achievement have narrowed for girls in the past six years, a major new gender gap in technology has emerged. While boys program and problem-solve with computers, girls use them for word processing—the 1990s version of typing. Little attention has been given to how the computer technology gender gap may impact girls' and boys' educational development. We need to dismantle the virtual ceiling now, before it becomes a real-life barrier to girls' futures.

Gender Gaps found that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom. Girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys. Girls tend to have a more ''circumscribed, limited, and cautious'' interaction with technology than boys. Schools can assist girls in developing a confident relationship with technology by intergrating digital tools into the curriculum so girls can pursue their own interests.

Gender Gaps warned that gender differences in the uses of technology must be explored and equity issues addressed now, before bigger gaps develop as computers become an integral part of teaching and learning in the K–12 curriculum. This is especially true considering that by the year 2000, 65 percent of all jobs will require technology skills. Current law lacks assurances that federal education programs will compensate for girls' different learning styles and different exposures to technology. I believe that federal education technology programs should be designed to better prepare girls for their future careers. The Girls Act requires states and local school districts to incorporate technology requirements in teacher training content and performance standards, to provide training for teachers in the use of education technology, and to take into special consideration the different learning styles and different exposures to technology for girls.

Sexual harrassment and abuse is a serious issue for the education of women and girls and should be a focus in the broader context of safety in our schools. The vast majority of secondary school students experience some form of sexual harassment during their school lives, with girls disproportionately affected. Sexual harassment is widespread and affects female students at all levels of education, including those in elementary and secondary schools. The AAUW Educational Foundation's 1993 survey of 8th through 11th grade students on sexual harassment in schools, Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools, shows that the vast majority of secondary school students experienced some form of sexual harassment and that girls are disproportionately affected. While data on the incidence of sexual harassment is scant, Hostile Hallways found: 85 percent of girls experienced some form of sexual harassment; 65 percent of girls who have been harassed were harassed in the classroom and 73 percent of girls who have been harassed were harassed in the hallway of their school; a student's first experience of sexual harassment is most likely to occur in 6th to 9th grade; most girls were harrassed by a male acting alone or a group of males; and 81 percent of girls who have been harassed do not report it to adults.

A 1996 University of Michigan study showed that sexual harrassment can result in academic problems such as paying less attention in class and Hostile Hallways found that 32 percent of girls do not want to talk as much in class after experiencing harassment. Thirty-three percent of girls do not want to go to school at all due to the stress and anxiety they suffered as a result of the sexual harassment. Nearly 1 in 4 girls say that harassment caused them to stay home from school or cut a class.

We know little else about the extent of sexual harassment or even the nature and extent of more serious sexual crimes in schools. The Safe and Drug-Free Schools and Communities Act (SDFSCA) requires the National Center for Education Statistics (NCES) to collect data on violence in elementary and secondary schools in the United States. However, these reports provide only a very limited picture of sexual offenses in schools because they only capture data on rape or sexual battery reported to police. Further, school crime victimization surveys do not include questions on threats or abuse that are sexual in nature.

Sexual harassment in schools is illegal, a form of sexual discrimination banned under Title IX of the Education Amendment of 1972. On the 25th anniversary of Title IX, a report by NCWGE found that less progress was made in the area of sexual harassment than in any other gender equity issue in education. NCWGE concluded that few schools have sexual harassment policies, or effectively enforce them. In addition to calling for more intensified Office of Civil Rights enforcement, NCWGE called on schools to adopt comprehensive policies and programs addressing sexual harassment.

The Girls Act affords an opportunity to greatly reduce the incidence of sexual harassment by gathering data on these often hidden offenses and providing programs to prevent sexual harassment and abuse. As 65 percent of sexual harassment in schools occurs in the classroom, the Girls Act trains teachers and administrators to recognize sexual harassment and develop prevention policies to greatly reduce incidences of sexual harassment and abuse in schools.

Equal access to education for girls means equal access to opportunities for athletic participation in our schools, particularly our high schools. Unfortunately, nationwide data measuring the participation of girls in physical education and high school athletics programs is very limited. Data on girls' participation in physical education and high school athletics programs must be collected and regularly reported by the U.S. Department of Education in order to determine whether girls are fully participating in these activities. Participation in high school athletics programs is important for girls because research has shown that it improves girls' physical and mental health. Additionally, for some girls, high school athletic participation can translate into college scholarships. However, currently there is very little data on high school athletic opportunities for girls to ensure that girls' interests are being met.

A study by the President's Council on Physical fitness and Sports recently found that girls playing sports have better physical and emotional health than those who do not. The study also found that higher rates of athletic participation were associated with lower rates of sexual activity and pregnancy. Other studies link physical activity to lower rates of heart disease, breast cancer, and osteoporosis later in life. Sports build girls' confidence, sense of physical empowerment, and social recognition within the school and community.

Many girls who participate in high school athletics programs receive college scholarships. Girls who have pursued athletic opportunities have received solid encouragement from parents, coaches, and teachers. By participating in high school athletics programs, girls increase their chances at receiving a college scholarship. For many girls, a college scholarship is the only way they can pursue higher education. The Girls Act requires the National Center on Education Statistics to collect data on the participation of high school students in physical education and athletics programs by gender.

Education is the means for all girls, including pregnant and parenting teens, to achieve economic self-sufficiency. Despite strides in making education accessible to girls, dropping out of school remains a serious problem. Five out of every 100 young adults enrolled in high school remains a serious problem. Five out of every 100 young adults enrolled in high school in 1996 left school without successfully completing a high school program. In October of 1997, 3.6 million young adults, or 11 percent of young adults between the ages of 16 and 24 in the United States, were neither enrolled in a high school program nor had they completed high school. Girls who drop out are less likely than boys to return and complete school.

Twenty-five years after the enactment of Title IX, pregnancy and parenting are still the most commonly cited reasons why girls drop out of school. The United States has the highest teen pregnancy rate of any industrialized nation. Almost one million teenagers become pregnant each year and 80 percent of these pregnancies are unintended. Two-thirds of girls who give birth before age 18 will not complete high school. Further, the younger the adolescent is when she becomes pregnant, the more likely it is that she will not complete high school. The Girls Act strengthens support for programs to keep pregnant and parenting teens in school to earn a high school diploma.

Finally, the Women's Educational Equity Act (WEEA) represents the federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensuring that girls' future choices and success are determined not be their gender, but by their own interests, aspirations, and abilities. Since its inception in 1974, WEEA has funded research, development, and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices. The Girls Act reauthorizes WEEA.

Mr. Speaker, up to this point I have primarily focused my efforts on strengthening accountability, teacher quality, class-size reduction and school safety, but I intend to seed the incorporation of many of the Girls Act provisions in our efforts to reauthorize ESEA. By working together, we can ensure that the educational needs of both boys and girls are met in the 1999 reauthorization of the Elementary and Secondary Education Act so that the adults of tomorrow will be prepared to compete in the ever-changing global economy of the 21st century.

Mr. Speaker, I am proud to introduce the Educating America's Girls Act of 1999 today and urge my colleagues to support this important legislation.

FALSE CLAIMS ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. BERMAN. Mr. Speaker, I submit the following for the RECORD:

Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice,
Washington, DC.

DEAR MADAM ATTORNEY GENERAL:

As you know, we are the principal House and Senate sponsors of the 1986 Amendments to the False Claims Act, 31 U.S.C. §3729, et seq. (''the Amendments''). We have watched with pride the remarkable success of the amendments in bringing to the attention of the federal government hundreds of cases of fraud. We are particularly pleased with the qui tam provisions of the Amendments, which have resulted in cases that have returned $2.3 billion to the federal Treasury.

With dismay, however, we have watched the federal courts interpret several sections of the Amendments in ways that directly contravene Congressional intent, and, of even greater significance, discourage and foreclose potential relators from bringing meritorious cases. In particular, we are extremely concerned with the courts' crabbed interpretations of the public disclosure bar—§3730(e)(4)(A) and (B). That provision, which was drafted to deter so-called ''parasitic'' cases, has been converted by several circuit courts into a powerful sword by which defendants are able to defeat worthy relators and their claims. If this trend continues, we fear that the very purpose of the Amendments—''to encourage more private enforcement suits''—ultimately will be undermined. See S. Rep. No. 99–345, at 23–24 (1986).

Thus, we believe it is imperative that the Department of Justice (''the Department'') adopt and adhere publicly to an interpretation of the public disclosure bar that comports with the plain meaning of the statute and the Congress' obvious intent. The Department's role in this regard is critical. First, of course, the Department is often involved as a party in cases where the public disclosure bar is raised, and it is entitled and expected to make its views known. Even in cases where the Department determines not to intervene, Congress intended for the Department to be involved in monitoring cases, in part to address questions significant to the ongoing operation of the statute. See e.g. §3730(c)(3) and (c)(4). Finally, as the agency charged, in effect, with the administration of the False Claims Act, the courts are likely to accord significant deference to the Department's interpretation of the Act, and we believe the Department has an obligation to the Congress and to the courts to articulate those views.

With this letter, we intend to provide a detailed explanation of our view of the public disclosure bar, focusing in particular on some of the cases where we believe the courts have misinterpreted the law. In order to place that discussion in context, we want first to explain the origin and significance of the public disclosure bar so that the cases can be viewed in light of Congress' intent.

The public disclosure bar is intertwined inextricably with the history of the qui tam provisions of the statute. From its enactment in 1863, the False Claims Act allowed a relator to bring a qui tam action even if the Government already knew of, investigated and even criminally prosecuted the identical fraud. Such parasitic suites, made infamous in the Supreme Court's decision in Marcus v. Hess, 317 U.S. 537 (1943), allowed relators to recover if they ''contributed nothing to the discovery of this crime.'' Id. At 545. To correct that obvious inequity, Congress enacted the government knowledge bar in 1943, which prohibited qui tam suits based on information in the Government's possession. The government knowledge bar, however, was interpreted too broadly by the courts. If information about fraud was in a file somewhere in the vast federal bureaucracy, a qui tam case was barred even if the government was unaware of the information in its files or had done nothing to pursue it. Indeed, one court held that even if it was the relator him or herself who had reported the fraud to the federal government, their case was precluded on the theory that the government had knowledge of the fraud before the relator filed their case. See, e.g. United States ex rel. State of Wisconsin v. Dean, 729 F.2d 1100 (7th Cir. 1984).

The 1986 Amendment sought to restore some balance between these two extreme regimes. Unquestionably, Congress wanted to prohibit qui tam cases that merely copies a federal criminal indictment and to allow those in which the relator simply informed the government of their allegations before filing suit. But there is considerable terrain between these two poles, and it is here that the courts seem to get lost. The key to navigating the public disclosure bar successfully is understanding Congress' purpose is enacting the Amendments.

Three goals inspired the 1986 Amendments. First and foremost, Congress wanted to encourage those with knowledge of fraud to come forward. Second, we wanted a mechanism to force the government to investigate and act on credible allegations of fraud. Third, we wanted relators and their counsel to contribute additional resources to the government's battle against fraud, both in terms of detecting, investigating and reporting fraud and in terms of helping the government prosecute cases. The reward to the relator is for furthering these goals.

In reversing the old government knowledge bar, however, we wanted to continue to preclude qui tam cases that merely repackage allegations the government can be presumed already to know about because they were disclosed publicly either in a federal proceeding or in the news media. The reason is simple: if the relator simply repeats allegations that he or she heard from someone else and about which the government is already aware and taking action, the relator contributes nothing to the government's efforts to combat fraud. Accordingly, in the 1986 Amendments, we provided that a qui tam case is barred if the relator has based his or her filing upon publicly disclosed allegations unless the relator already has provided information concerning the allegations to the government before filing suit.

Certain courts have exploded this limited bar in ways that mock the very purpose and intent of the 1986 Amendments. A recent case is illustrative. In United States ex rel. Jones v. Horizon Healthcare Corp., No. 97–1635, the Sixth Circuit Court of Appeals held that Ms. Jones' qui tam action was barred because, before she filed her case, she had filed an application for unemployment insurance with the Michigan Employment Security Commission. Her application stated that she had been fired after reporting to her supervisor at Horizon HealthCare that she believed several claims prepared for submission to Medicare were false. The Court held that Ms. Jones' unemployment application was a public disclosure within the federal government prior to filing her action, her suit was barred.

In both its reasoning and its outcome, Jones strays far from the policies that underlie the public disclosure bar. First, as you know, 3730(e)(4)(A) specifically limits a public disclosure to ''allegations or transactions'' disclosed in a ''criminal, civil, or administrative hearing, in a Congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media.'' That list is exclusive, as many of the courts to have considered the question agree. See U.S. ex rel. Dunleavy v. County of Delaware, 123 F.3d 734, 744 (3rd. Cir. 1997) (recognizing the ''prevailing view is that this list constitutes an exhaustive rendition of possible sources.'') Only an absurdly broad definition of an ''administrative hearing'' would put an application for unemployment insurance on that list. And Congress did not intend to enact absurdities.

We did intend, and any fair reading of the statute will confirm, that the disclosure must be in a federal criminal, civil or administrative hearing. Disclosure in a state proceeding of any kind should not be a bar to a subsequent qui tam suit. The reason is grounded in the history of the FCA and the policies underlying the 1986 Amendments that we just reviewed. One thing is common to the law throughout its history. It was the Federal Government's knowledge of fraud that triggered the government knowledge bar; it was the federal government's indictment in Marcus v. Hess that formed the basis of the parasitic suit. Thus, when it enacted the public disclosure bar in 1986, Congress